



statutory provision that Plaintiff's Complaint here is based upon—was an unconstitutional, content-based suppression on speech. It addressed the law's unconstitutional condition by prospectively severing the exemption that Congress had created for automated calls made for the purpose of collecting a federal debt. Thus, the TCPA's automated-call prohibition was unconstitutional from the enactment of the government-debt exemption in 2015 until the Supreme Court's severance became operative this year. Because Plaintiff's entire case rests on a law that was unconstitutional during the time at issue, this Court lacks subject matter jurisdiction over claims under a void law. Plaintiff's Complaint should therefore be dismissed for lack of jurisdiction.

Dated: November 16, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **MOTION TO DISMISS** has been served on this 16<sup>th</sup> day of November 2020 on all counsel of record via the Court's CM/ECF system.

/s/ Ryan A. Phipps  
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